

APPENDIX A: A BILL TO ESTABLISH THE UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Stabilization and Reconstruction Integration Act of 2013”.

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Findings and purposes.

Sec. 4. Construction; severability.

Sec. 5. Effective date.

TITLE I—UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS: ESTABLISHMENT, FUNCTIONS, AND PERSONNEL

Sec. 101. Establishment of the United States Office for Contingency Operations.

Sec. 102. Responsibilities of the Director, Deputy Director, Inspector General, and other offices.

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TITLE III—RESPONSIBILITIES OF THE INSPECTOR GENERAL

Sec. 301. Inspector General.

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Sec. 401. Responsibilities of other agencies for monitoring and evaluation requirements.

Sec. 402. Transition of stabilization and reconstruction operations.

Sec. 403. Sense of Congress.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—

The term “appropriate congressional committees” means—

(A) the Committees on Appropriations, Armed Services, Foreign Affairs, and Oversight and Government Reform of the House of Representatives; and

(B) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs

of the Senate.

- (2) **DIRECTOR.**—The term “Director” means the Director of the United States Office for Contingency Operations.
- (3) **FUNCTIONS.**—The term “functions” includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.
- (4) **IMMINENT STABILIZATION AND RECONSTRUCTION OPERATION.**—The term “imminent stabilization and reconstruction operation” is a condition in a foreign country which the Director believes may require in the immediate future a response from the United States and with respect to which preparation for a stabilization and reconstruction operation is necessary.
- (5) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).
- (6) **OFFICE.**—The term “Office” means the United States Office for Contingency Operations.
- (7) **PERSONNEL.**—The term “personnel” means officers and employees of an Executive agency, except that the term does not include members of the Armed Forces.
- (8) **POTENTIAL STABILIZATION AND RECONSTRUCTION OPERATION.**—The term “potential stabilization and reconstruction operation” is a possible condition in a foreign country which in the determination of the Director may require in the immediate future a response from the United States and with respect to which preparation for a stabilization and reconstruction operation is advisable.
- (9) **STABILIZATION AND RECONSTRUCTION EMERGENCY.**—The term “stabilization and reconstruction emergency” is a stabilization and reconstruction operation which is the subject of a Presidential declaration pursuant to section 103.
- (10) **STABILIZATION AND RECONSTRUCTION OPERATION.**—The term “stabilization and reconstruction operation”—
 - (A) means a circumstance in which a combination of security, reconstruction, relief, and development services, including assistance for the development of military and security forces

and the provision of infrastructure and essential services (including services that might be provided under the authority of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund)), should, in the national interest of the United States, be provided on the territory of an unstable foreign country;

- (B) does not include a circumstance in which such services should be provided primarily due to a natural disaster (other than a natural disaster of cataclysmic proportions); and
- (C) does not include intelligence activities.

- (11) **COVERED CONTRACT.**—The term “covered contract” means a contract entered into by any department or agency, with any public or private sector entity, in any geographic area with regard to a stabilization or reconstruction operation or where the Inspector General of the United States Office for Contingency Operations is exercising its special audit or investigative authority for the performance of any of the following:

“(A) To build or rebuild physical infrastructure of such area.

“(B) To establish or reestablish a political or governmental institution of such area.

“(C) To provide products or services to the local population of the area.

- (12) **UNITED STATES.**—The term “United States”, when used in a geographic sense, means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any possession of the United States, and any waters within the jurisdiction of the United States.

SEC. 3. FINDINGS AND PURPOSES.

- (a) **FINDINGS.**—Congress finds the following:

- (1) Responsibilities for overseas stability and reconstruction operations are divided among several agencies. As a result, lines of responsibility and accountability are not well-defined.
- (2) Despite the establishment of the Office of the Coordinator for Reconstruction and Stabilization within the Department of State,

the reaffirmation of the Coordinator's mandate by the National Security Presidential Directive 44, its codification with title XVI of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the issuance of the Department of Defense Directive 3000.05, and the creation of the Bureau of Conflict and Stabilization by the Department of State, serious imbalances and insufficient interagency coordination remain.

- (3) The United States Government has not effectively or efficiently managed stabilization and reconstruction operations during recent decades.
- (4) Based on recent history, the United States will likely continue to find its involvement necessary in stabilization and reconstruction operations in foreign countries in the wake of violence or cataclysmic disaster.
- (5) The United States has not adequately applied the lessons of its recent experiences in stabilization and reconstruction operations, and despite efforts to improve its performance is not yet organized institutionally to respond appropriately to the need to perform stabilization and reconstruction operations in foreign countries.
- (6) The failure to learn the lessons of past stabilization and reconstruction operations will lead to further inefficiencies, resulting in greater human and financial costs.

(b) PURPOSES.—The purposes of this Act are to—

- (1) protect the national security interests of the United States by providing an effective means to plan for and execute stabilization and reconstruction operations in foreign countries;
- (2) provide for unity of command, and thus achieve unity of effort, in the planning and execution of stabilization and reconstruction operations;
- (3) provide accountability for resources dedicated to stabilization and reconstruction operations;
- (4) maximize the efficient use of resources, which would lead to budget savings, eliminated redundancy in functions, and improvement in the management of stabilization and reconstruction operations; and
- (5) establish an entity to plan for stabilization and reconstruction

operations across the relevant agencies, including the Department of Defense, Department of State, and United States Agency for International Development, and, when directed by the President, coordinate and execute such operations, eventually returning responsibility for such operations to other agencies of the United States Government as the situation becomes normalized.

SEC. 4. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof, or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date that is 60 days after the date of the enactment of this Act.

TITLE I—UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS: ESTABLISHMENT, FUNCTIONS, AND PERSONNEL

SEC. 101. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS.

There is established as an independent entity the United States Office for Contingency Operations, which shall report to the Department of State and the Department of Defense.

SEC. 102. RESPONSIBILITIES OF THE DIRECTOR, DEPUTY DIRECTOR, INSPECTOR GENERAL, AND OTHER OFFICES.

(a) DIRECTOR.—

- (1) IN GENERAL.—The Office shall be headed by a Director, who shall be—
 - (A) appointed by the President, by and with the advice and consent of the Senate; and
 - (B) compensated at the rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code.
- (2) SUPERVISION.—
 - (A) IN GENERAL.—The Director shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense. Such supervision may not be delegated.
 - (B) INFORMATION SHARING.—The Director shall report to the National Security Advisor keeping the Advisor fully and continually informed of the activities of the Office.
- (3) FUNCTIONS.—The functions of the Director shall include the following:
 - (A) Monitoring, in coordination with relevant offices and bureaus of the Department of Defense, the Department of State, and the United States Agency for International Development, political and economic instability worldwide in order to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of a country or region that is at risk of, in, or in transition from, conflict or civil strife.
 - (B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the military and non-military resources, capabilities, and functions of agencies that are available to address such crises.
 - (C) Pre-intervention assessment and planning and post-intervention evaluation of strategies to achieve US interests and objectives through such activities as demobilization, disarmament, capacity building, rebuilding of civil society, policing and security sector reform, and monitoring and strengthening respect for human rights that commonly arise in stabilization and reconstruction crises.
 - (D) Developing, in coordination with all relevant agencies, stabilization plans and procedures to mobilize and deploy civilian and military personnel to conduct stabilization and reconstruction operations.
 - (E) Coordinating with counterparts in foreign governments and international and nongovernmental organizations on stabilization and reconstruction operations to improve effectiveness and avoid duplication.
 - (F) Aiding the President, as the President may request, in preparing such rules and regulations as the President prescribes, for the planning, coordination, and execution of stabilization and reconstruction operations.
 - (G) Advising the Secretary of State and the Secretary of Defense, as the Secretary of State or the Secretary of Defense may request, on any matters pertaining to the planning, coordination, and execution of stabilization and reconstruction operations.
 - (H) Planning and conducting, in cooperation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, and commanders of unified combatant commands or specified combatant commands, a series of exercises to test and evaluate doctrine relating to stabilization and reconstruction operations and procedures to be used in such operations.
 - (I) Executing, administering, and enforcing laws, rules, and regulations relating to the preparation, coordination, and execution of stabilization and reconstruction operations.
 - (J) Administering such funds as may be appropriated or otherwise made available for the preparation, coordination and execution of stabilization and reconstruction operations.
 - (K) Planning for the use of contractors who will be involved in stabilization and reconstruction operations.
 - (L) Prescribing standards and policies for project and financial reporting for all agencies involved in stabilization and reconstruction operations under the direction of the Office to ensure that all activities undertaken by such agencies are appropriately tracked and accounted for.
 - (M) Establishing an interagency training, preparation, and evaluation framework for all personnel deployed, or who may

be deployed, in support of stabilization and reconstruction operations. Such training and preparation shall be developed and administered in partnership with such universities, colleges, or other institutions (whether public, private, or governmental) as the Director may determine and which agree to participate.

(4) RESPONSIBILITIES OF DIRECTOR FOR ASSESSMENT, MONITORING AND EVALUATION REQUIREMENTS.—

(A) Assessment.—The Director shall draw upon all sources of information and intelligence within the government to develop a common understanding of the causes of the conflict and the salient impediments to stabilization as a guide to subsequent planning.

(B) Monitoring.—The Director shall establish, in coordination with the agencies involved in the SRO, measures for determining whether the programs and activities they are implementing are achieving US objectives. The Director shall have the authority to direct up to 5% of the amount of program expenditures for assessment, monitoring and evaluation purposes.

(C) EVALUATIONS.—The Director shall plan and conduct evaluations of the impact of stabilization and reconstruction operations carried out by the Office.

(D) REPORTS.—

(i) IN GENERAL.—Not later than 30 days after the end of each fiscal-year quarter, the Director shall submit to the appropriate congressional committees a report summarizing all stabilization and reconstruction operations that are taking place under the supervision of the Director during the period of each such quarter and, to the extent possible, the period from the end of each such quarter to the time of the submission of each such report. Each such report shall include, for the period covered by each such report, a detailed statement of all obligations, expenditures, and revenues associated with such stabilization and reconstruction operations, including the following:

(I) Obligations and expenditures of appropriated

funds.

(II) A project-by-project and program-by-program accounting of the costs incurred to date for the stabilization and reconstruction operation that are taking place, together with the estimate of any department or agency that is undertaking a project in or for the stabilization and reconstruction of such country, as applicable, of the costs to complete each project and each program.

(III) Revenues attributable to or consisting of funds provided by foreign countries or international organizations, and any obligations or expenditures of such revenues.

(IV) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(V) An analysis on the impact of stabilization and reconstruction operations overseen by the Office, including an analysis of civil-military coordination with respect to the Office.

(ii) FORM.—Each report under this subsection may include a classified annex if the Director determines such is appropriate.

(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize the public disclosure of information that is specifically prohibited from disclosure by any other provision of law, specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs, or a part of an ongoing criminal investigation.

(b) DEPUTY DIRECTOR.—

(1) IN GENERAL.—There shall be within the Office a Deputy Director, who shall be—

(A) appointed by the President; and

(B) compensated at the rate of basic pay for level III of the Execu-

tive Schedule under section 5314 of title 5, United States Code.

- (2) FUNCTIONS.—The Deputy Director shall perform such functions as the Director may from time to time prescribe, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

(d) FUNCTIONS OF THE PRESIDENT.—

- (1) DECLARATION.—The President may, if the President finds that the circumstances and national security interests of the United States so require, declare that a stabilization and reconstruction emergency exists and shall determine the geographic extent and the date of the commencement of such emergency. The President may amend the declaration as circumstances warrant.
- (2) TERMINATION.—If the President determines that a stabilization and reconstruction emergency declared under paragraph (1) is or will no longer be in existence, the President may terminate, immediately or prospectively, a prior declaration that such an emergency exists.
- (3) PUBLICATION IN FEDERAL REGISTER.—Declarations under this subsection shall be published in the Federal Register.

(e) AUTHORITIES OF OFFICE FOLLOWING PRESIDENTIAL DECLARATION.—If the President declares a stabilization and reconstruction emergency pursuant to subsection (d), the President may delegate to the Director the authority to coordinate all Federal efforts with respect to such stabilization and reconstruction emergency, including the authority to direct any Federal agency to support such efforts, with or without reimbursement.

SEC. 104. PERSONNEL SYSTEM.

(a) PERSONNEL.—

- (1) IN GENERAL.—The Director may select, appoint, and employ such personnel as may be necessary for carrying out the duties

of the Office, subject to the provisions of title 5, United States Code, governing appointments in the excepted service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (to the same extent and in the same manner as those authorities may be exercised by an organization described in subsection (a) of such section). In exercising the employment authorities under subsection (b) of such section 3161, paragraph (2) of such subsection (relating to periods of appointments) shall not apply.

- (2) SUBDIVISIONS OF OFFICE; DELEGATION OF FUNCTIONS.—The Director may establish bureaus, offices, divisions, and other units within the Office. The Director may from time to time make provision for the performance of any function of the Director by any officer or employee, or office, division, or other unit of the Office.
- (3) REEMPLOYMENT AUTHORITIES.—The provisions of section 9902(g) of title 5, United States Code, shall apply with respect to the Office. For purposes of the preceding sentence, such provisions shall be applied—
- (A) by substituting “the United States Office for Contingency Operations” for “the Department of Defense” each place it appears;
- (B) by substituting “the Stabilization and Reconstruction Operations Interagency Enhancement Act of 2011” for “the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136)” in paragraph (2)(A) thereof; and
- (C) by substituting “the Director of the United States Office for Contingency Operations” for “the Secretary” in paragraph (4) thereof.

(b) INTERIM OFFICERS.—

- (1) IN GENERAL.—The President may authorize any persons who, immediately prior to the effective date of this Act, held positions in the Executive Branch of the Government, to act as Director, Deputy Director, Associate Director, and Inspector General

of the Office until such positions are for the first time filled in accordance with the provisions of this Act .

- (2) **COMPENSATION.**—The President may authorize any such person described in paragraph (1) to receive the compensation attached to the Office in respect of which such person so serves, in lieu of other compensation from the United States.

(c) **CONTRACTING SERVICES.**—

- (1) **IN GENERAL.**—The Director may obtain services of experts and consultants as authorized by section 3109 of title 5, United States Code.
- (2) **ASSISTANCE.**—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(d) **INCENTIVIZING EXPERTISE IN PERSONNEL TASKED FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.**—

- (1) **STUDY.**—The Director shall commission a study to measure the effectiveness of personnel in stabilization and reconstruction operations. The study shall seek to identify the most appropriate qualifications for personnel and incentive strategies for agencies to effectively recruit and deploy employees to support stabilization and reconstruction operations.
- (2) The Office shall apply preferences promoting the employment of veterans and the use of veteran-owned businesses.
- (3) **SENSE OF CONGRESS.**—It is the sense of Congress that, in the selection and appointment of any individual for a position both within the Office and other agencies in support of stabilization and reconstruction operations, due consideration should be given to such individual's expertise in such operations and interagency experience and qualifications.

TITLE II—PREPARING AND EXECUTING STABILITY AND RECONSTRUCTION OPERATIONS

SEC. 201. SOLE CONTROL.

The Director shall have primary management responsibilities over relief and reconstruction activities conducted during a stabilization and reconstruction emergency declared by the President.

SEC. 202. RELATION TO DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) **COORDINATION.**—

- (1) **IN GENERAL.**—The Director shall, to the greatest degree practicable, coordinate with the Secretary of State and the Administrator of the U.S. Agency for International Development regarding the Office's plans for relief and reconstruction activities conducted during stabilization and reconstruction operations. The Director shall give the greatest possible weight to the views of the Secretary and the Administrator on matters within their jurisdiction. During a declaration under section 103 of a stabilization and reconstruction emergency, the Director shall work closely with the Secretary and the Administrator in planning, executing, and transitioning operations relevant to their respective jurisdictions.
- (2) **IN-COUNTRY.**—During a stabilization and reconstruction emergency, the Director shall work closely with the Chief of Mission, or with the most senior Department of State or Agency for International Development officials responsible for the country in which such emergency exists, to ensure that the actions of the Office and all the agencies involved support the attainment of US interests and objectives and do not conflict with the foreign or development policies of the United States.

(b) **DETAILING.**—The heads of the various departments and agencies of the United States Government (other than the Secretary of Defense)

shall provide for the detail on a reimbursable or nonreimbursable basis of such civilian personnel as may be agreed between such heads and the Director for the purposes of carrying out this Act. The heads of such departments and agencies shall provide for appropriate recognition and career progress for individuals who are so detailed upon their return from such details.

SEC. 203. RELATION TO DEPARTMENT OF DEFENSE COMBATANT COMMANDS PERFORMING MILITARY MISSIONS.

(a) **COORDINATION WITH SECRETARY OF DEFENSE AND COMBATANT COMMANDS.**—To the greatest degree practicable, the Director shall coordinate with the Secretary of Defense and commanders of unified and specified combatant commands established under section 161 of title 10, United States Code, regarding the relief and reconstruction plans of the Office for stabilization and reconstruction operations.

(b) **STAFF COORDINATION.**—The Director shall detail personnel of the Office to serve on the staff of a combatant command to assist in planning when a military operation will involve likely Armed Forces interaction with non-combatant populations, so that plans for a stabilization and reconstruction operation related to a military operation—

- (1) complement the work of military planners; and
- (2) as provided in subsection (c), ease interaction between civilian direct-hire employees and contractors in support of the stabilization and reconstruction operation and the Armed Forces.

(c) **LIMITATIONS.**—

- (1) **DIRECTOR.**—The authority of the Director shall not extend to small-scale programs (other than economic development programs of more than a de minimis amount) designated by the Secretary of Defense as necessary to promote a safe operating environment for the Armed Forces or other friendly forces.
- (2) **MILITARY ORDER.**—Nothing in this Act shall be construed as permitting the Director or any of the personnel of the Office (other than a member of the Armed Forces assigned to the Office under subsection (e)) to issue a military order.

(d) **SUPPORT.**—

- (1) **ASSISTANCE REQUIRED.**—The commanders of combatant commands shall provide assistance, to the greatest degree practicable, to the Director and the personnel of the Office as they carry out their responsibilities.
- (2) **PERSONNEL.**—The Secretary of Defense shall provide for the detail or assignment, on a reimbursable or nonreimbursable basis, to the staff of the Office of such Department of Defense personnel between the Secretary and the Director as necessary to carry out the duties of the Office.

SEC. 204. STABILIZATION FEDERAL ACQUISITION REGULATION.

(a) **REQUIREMENT TO PRESCRIBE STABILIZATION FEDERAL ACQUISITION REGULATION.**—The Director, in consultation with the Director of the Office of Management and Budget, shall prescribe a Stabilization Federal Acquisition Regulation. The Regulation shall apply, under such circumstances as the Director prescribes, in lieu of the Federal Acquisition Regulation with respect to contracts intended for use in or with respect to stabilization and reconstruction emergencies or in imminent or potential stabilization and reconstruction operations.

(b) **PREFERENCE TO CERTAIN CONTRACTS.**—It is the sense of Congress that the Stabilization Federal Acquisition Regulation required by subsection (a) should include provisions requiring an agency to give a preference to contracts that appropriately, efficiently, and sustainably implement programs and projects undertaken in support of a stabilization and reconstruction operation.

(c) **DEADLINE.**—The Director shall prescribe the Stabilization Federal Acquisition Regulation required by subsection (a) by the date occurring one year after the date of the enactment of this Act. If the Director does not prescribe the Regulation by that date, the Director shall submit to Congress a statement explaining why the deadline was not met.

SEC. 205. STABILIZATION AND RECONSTRUCTION FUND.

(a) **IN GENERAL.**—There is established in the Treasury of the United States a fund, to be known as the “Stabilization and Reconstruction Emergency Reserve Fund,” to be administered by the Director at the direction of the President and with the consent of the Secretary of State and the Secretary of Defense for the following purposes with respect to a stabilization and reconstruction operation.

(b) **CONGRESSIONAL NOTIFICATION.**—

(1) **PRESIDENTIAL DIRECTION.**—At the time the President directs the Director to carry out or support an activity described in subsection (a), the President shall transmit to appropriate congressional committees a written notification of such direction.

(2) **ACTIVITIES IN A COUNTRY.**—Not less than 15 days before carrying out or supporting an activity described in subsection (a), the Director shall submit to the appropriate congressional committees information related to the budget, implementation timeline (including milestones), and transition strategy with respect to such activity and the stabilization or reconstruction operation at issue.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the fund established under subsection (a) such sums as may be necessary to carry out the purposes specified in such subsection. Such sums—

- (1) shall be available until expended;
- (2) shall not be made available for obligation or expenditure until the President declares a stabilization and reconstruction emergency pursuant to section 103; and
- (3) shall be in addition to any other funds made available for such purposes.

SEC. 206. SENSE OF CONGRESS.

It is the sense of Congress that, to the extent possible, the Director and staff should partner with the country in which a stabilization and

reconstruction operation is taking place, other foreign government partners, international organizations, and local nongovernmental organizations throughout the planning, implementation, and particularly during the transition stages of such operations to facilitate long term capacity building and sustainability of initiatives.

TITLE III—RESPONSIBILITIES OF THE INSPECTOR GENERAL**SEC. 301. INSPECTOR GENERAL.**

(a) **IN GENERAL.**—There shall be within the Office an Office of the Inspector General, the head of which shall be the Inspector General of the United States Office for Contingency Operations (in this Act referred to as the “Inspector General”), who shall be appointed as provided in section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.).

(b) **TECHNICAL AMENDMENTS AND ADDITIONAL AUTHORITIES.**—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 12—

(A) in paragraph (1), by inserting “, or the United States Office for Contingency Operations” after “the Director of the Federal Housing Finance Agency”; and

(B) in paragraph (2), by inserting “the United States Office for Contingency Operations,” after “the Federal Housing Finance

(2) in section 8J, by striking “8E or 8F” and inserting “8E, 8F, or 8M”;

(3) by inserting after section 8L the following new section:

“SEC. 8M. SPECIAL PROVISIONS CONCERNING THE INSPECTOR GENERAL OF THE UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS.

“(a) **SPECIAL AUDIT AND INVESTIGATIVE AUTHORITY.**—

“(1) **IN GENERAL.**—When directed by the President, or otherwise provided by law, and in addition to the other duties and responsibilities specified in this Act, the Inspector General of the United States Office for Contingency Operations—shall, with

regard to the reconstruction and stabilization operations under the supervision of the Director have audit and investigative authority over all accounts, spending, programs, projects, and activities undertaken with respect to such reconstruction and stabilization operations of agencies of the United States Government without regard to the agency carrying out such operations.

“(3) ADMINISTRATIVE OPERATIONS.—In any case in which the Inspector General of the United States Office for Contingency Operations is exercising or preparing to exercise special audit and investigative authority under this subsection, the head of any department or agency undertaking or preparing to undertake the activities described in paragraph (2) shall provide such Inspector General with appropriate and adequate office space within the offices of such department or agency or at appropriate locations of that department or agency overseas, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

“(b) ADDITIONAL DUTIES.—

“(1) IN GENERAL.—It shall be the duty of the Inspector General of the United States Office for Contingency Operations to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for activities to be carried out by or under the direction or supervision of the Director of the United States Office for Contingency Operations, or for activities subject to the special audit and investigative authority of such Inspector General under subsection (a), and of the programs, operations, and contracts carried out utilizing such funds, including—

“(A) the oversight and accounting of the obligation and expenditure of such funds;

“(B) the monitoring and review of activities funded by such funds;

“(C) the monitoring and review of contracts funded by such funds;

“(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States, and private and

nongovernmental entities; and

“(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

“(2) SYSTEMS, PROCEDURES, AND CONTROLS.—The Inspector General of the United States Office for Contingency Operations shall establish, maintain, and oversee such systems, procedures, and controls as such Inspector General considers appropriate to discharge the duty under paragraph (1).

“(c) PERSONNEL AUTHORITY.—

“(1) IN GENERAL.—The Inspector General of the United States Office for Contingency Operations may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office, subject to the provisions of title 5, United States Code, governing appointments in the excepted service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

“(2) EMPLOYMENT AUTHORITY.—The Inspector General of the United States Office for Contingency Operations may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section). In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection, paragraph (2) of such subsection (b) (relating to periods of appointments) shall not apply.

“(3) EXEMPTION.—Section 6(a)(7) shall not apply with respect to the Inspector General of the United States Office for Contingency Operations.

“(4) REPORTS UNDER SECTION 5 OF THIS ACT.—In addition to reports otherwise required to be submitted under this subsection, the Inspector General of the United States Office for Contingency Operations— may issue periodic reports of a similar nature to the quarterly reports submitted under paragraph (1) with respect to activities subject to the special audit and investigative authority of such Inspector General under subsection (a).

“(6) FORM OF SUBMISSION.—Each report under this subsection may include a classified annex if the Inspector General of the United States Office for Contingency Operations considers it necessary.

“(7) DISCLOSURE OF CERTAIN INFORMATION.—

Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

“(A) specifically prohibited from disclosure by any other provision of law;

“(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

“(C) a part of an ongoing criminal investigation.

TITLE IV—RESPONSIBILITIES OF OTHER AGENCIES

SEC. 401. RESPONSIBILITIES OF OTHER AGENCIES FOR MONITORING AND EVALUATION REQUIREMENTS.

The head of any agency under the authority of the Director in support of a stabilization and reconstruction operation pursuant to section 103 shall submit to the Director—

- (1) on-going evaluations of the impact of agency activities on the stabilization and reconstruction operation , using the measures developed by the Director in consultation with the agencies involved, , including an assessment of interagency coordination in support of such operation;
- (2) any information the Director requests, including reports, evaluations, analyses, or assessments, to permit the Director to satisfy the quarterly reporting requirement under section 103(a)(4); and
- (3) an identification, within each such agency, of all current and former employees skilled in crisis response, including employees employed by contract, and information regarding each such agency’s authority mechanisms to reassign or reemploy such skilled personnel and mobilize rapidly associated resources in response to such operation.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for each of fiscal years 2011 through 2016. Any amounts appropriated to carry out this Act shall remain available until expended.

APPENDIX B: TABLES

TABLE B.1
Department of State Programs

Bureau of International Narcotics and Law Enforcement Affairs (INL)	Since 2003, INL has operated programs to train and equip Iraq's police, including reestablishing a police academy in Baghdad and funding international police trainers through the Department of Justice (DoJ). INL's rule-of-law programs have built capacity in the Iraqi judiciary, provided rule-of-law advisors, and funded initiatives such as the Iraqi Justice Integration Project, Major Crimes Task Force, and courthouse security upgrades. INL's Anti-Corruption Coordination Office (ACCO) has coordinated many of these efforts, including funding of initiatives by UNDP and UNODC to help Iraq implement a national anticorruption strategy that will help it to comply with its commitments under the <i>United Nations Convention Against Corruption</i> (ratified in 2008), to train IGs, assist COI with financial investigations, and work with the Kurdistan Regional Government on budget execution. More than \$21 million in ACCO programs remained ongoing as of September 30, 2012, including funding for DoJ's Overseas Prosecutorial Development Assistance and Training (OPDAT) anti-money-laundering program. Since September 2010, INL has funded the Financial Crimes Training Program, implemented by the Department of the Treasury's Office of Technical Assistance (OTA), with \$1.9 million of the INCLE. The program (expected to run through October 2013) funds an OTA resident advisor, who provides training assistance to enhance the COI's capacity to prevent, detect, investigate, and prosecute government corruption and related serious financial crimes. The two-year, \$1.5 million, ESF-funded English as a Second Language Project (<i>Tumoooh</i>) was implemented by UNDP through September 2013. INL also supported the Iraqi Corrections Service with training programs and other initiatives, including funding \$16.8 million for the DoJ's International Criminal Investigative Training Assistance Program (ICITAP), which ended in September 2012 and transitioned its work to UNODC.
Bureau of Population, Refugees, and Migration (PRM)	Most programs supported internally displaced persons (IDPs) inside Iraq and refugees living in Syria, Turkey, Jordan, Lebanon, and Egypt. PRM assisted Iraqi refugees and Special Immigrant Visa (SIV) holders who elected to receive refugee benefits to resettle in the United States. Humanitarian initiatives have addressed agriculture and food security, economic recovery and market systems, water and sanitation, and hygiene. PRM worked in coordination with USAID's OFDA. As of September 30, 2012, more than 73,000 refugees had resettled in the United States through the U.S. Refugee Admissions Program since FY 2007.
Bureau of Democracy, Human Rights, and Labor (DRL)	DRL administered foreign assistance programs intended to support Iraqi governance, human rights, and civil society under the strategic goal of governing justly and democratically. They were aimed at providing greater public accountability and freedom of expression, as well as religious freedom. DRL grant projects supported war widows, strengthened human rights prosecution, supported women's political and economic empowerment, assessed knowledge and attitudes regarding gender-based violence, and supported freedom of the press and members of the lesbian, gay, bisexual, and transgender community.
Bureau of Political-Military Affairs	The bureau served as the principal link between DoS and DoD to facilitate U.S./Coalition military operations with a mission to use diplomacy and military power to foster a stable and secure international environment receptive to American values and interests. Funded by DoS's NADR account, the Bureau's Office of Weapons Removal and Abatement has managed the Conventional Weapons Destruction (CWD) program in Iraq since 2003, working on clearance and safe disposal of landmines, unexploded ordnance, and excess conventional weapons and munitions. As of September 30, 2012, approximately \$22 million in NADR-funded contracts were ongoing, employing 609 program personnel (98% Iraqi) and 177 security contractors.
Office of Export Control Cooperation	The office assisted the GOI in developing trade control systems; helped to ensure those systems met existing international standards; and built capacity to detect, interdict, investigate, and prosecute illicit trade in weapons of mass destruction and conventional arms. During FY 2009–FY 2012, the \$4 million Export Controls and Related Border Security (EXBS) program worked with GOI to deploy TRACKER software system to improve ability to control exports of sensitive items.

TABLE B.2
Other Civilian Agency Programs

Department of Justice (DoJ)	The Office of the Justice Attaché coordinated a number of anticorruption, rule-of-law, and corrections programs via the OPDAT program, the FBI Legal Attaché, and the ICITAP program. DoJ supported the Iraqi Corrections Service from 2003 through 2011 to build 30 prisons that house 20,000 inmates and employ more than 12,000 staff. DoJ's Major Crimes Task Force (MCTF) addressed complex crimes and terrorist activity. The International Contract Corruption Task Force; Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Marshals; Regime Crimes Liaison Office; and Drug Enforcement Agency each played supporting roles.
Department of Homeland Security (DHS)	The DHS Attaché coordinated services to assess operations and security for borders and ports of entry (land, sea, and air) and provided infrastructure protection, terrorist financing investigations, and naturalization services to U.S. military members. Immigration and Customs Enforcement officials advised and mentored primarily Iraq's Federal Information and Investigations Agency and Customs Police on the issues of human trafficking, narcotics smuggling, and financial crimes. Customs and Border Protection (CBP) provided non-intrusive inspections equipment to GOI customs inspectors. The U.S. Coast Guard (USCG) worked with the GOI to improve port security and with the Department of Transportation (DoT) Attaché to bring the Port of Umm Qasr into compliance with the International Ship and Port Facility Security Code. The U.S. Citizenship and Immigration Service has interviewed Iraqi refugee applicants who have worked for the U.S. government, U.S. military, or a U.S.-affiliated media or non-governmental organization to determine whether they qualify for consideration for resettlement in the United States.
Department of the Treasury	The U.S. Treasury's Office of Technical Assistance (OTA) conducted activities to develop modern financial, budgetary, banking, and taxation policies and provide limited assistance to Iraq's Commission on Integrity. OTA's Economic Crimes Team shifted from working with the Central Bank of Iraq on anti-money-laundering activities to support the COI with case management and modern financial analysis. The Revenue Team worked on a series of reforms to broaden Iraq's tax base and formulate filing requirements and penalties for non-compliance. The Banking Team assisted the GOI with restructuring state-owned banks and automating data systems. The Budget Team worked with Iraq's Ministry of Finance and other GOI entities on budget planning and execution. These other Treasury offices also supported work in Iraq: the Office of International Affairs, Office of the Comptroller of the Currency, Financial Management Service, Internal Revenue Service, and Office of the General Counsel.
Department of Transportation (DoT)	The Office of Transportation Attaché at U.S. Embassy-Baghdad worked with the GOI—in particular, the Ministry of Transportation—on reforming and modernizing its transportation regulations and infrastructure to bring them into line with international norms, thereby improving Iraqi access to global markets. Staff included the Senior Aviation Advisor and Maritime/Ports Advisor. DoT supported delivery of the \$17.3 million U.S.-funded Computer Based Train Control System and training and certification of Iraq's air-traffic controllers.
Department of Commerce	Commerce once had a staff of six in Baghdad, but one was killed, and several of the Iraqi employees resigned because they were threatened. Commerce has worked to assist U.S. businesses to gain entry to and succeed in the Iraqi market. Commerce compiled due diligence reports for U.S. firms on potential Iraqi partners and worked with small and medium enterprises based in the United States to assess their suitability for the Iraqi market and assist them to obtain the information and licensing. Commerce facilitated advocacy cases to gain contracts for firms when it served the U.S. national interest.
Department of Agriculture (USDA)	The Office of Agricultural Affairs (OAA) at U.S. Embassy-Baghdad performed outreach to farmers through the PRT program from 2009 to 2011, then transitioned to engagement with senior officials at the Ministry of Agriculture to offer policy advice and assist in resolving issues that arose after implementation of new import regulations. The USDA has sponsored training under the Cochran and Borlaug Fellowship programs, and OAA has supported veterinary medicine initiatives.
Department of Health and Human Services	Although one of the five agencies authorized apportionments of the IRRF, the department did not receive any. The department's \$1 million SAMHSA mental health and substance-abuse prevention program for Iraq provided outreach services in 2011 and 2012.
Export-Import Bank (Ex-Im)	Since commencement of work in Iraq in July 2010, the Ex-Im Bank provided more than \$45.1 million in loans, guarantees, or insurance policies for at least four U.S. companies providing services in Iraq.
Overseas Private Investment Corporation (OPIC)	OPIC facilitated U.S. private investment in Iraq by offering political risk insurance, investment guarantees, and direct loans. It focused on stimulating economic development in Iraq by sponsoring lending facilities (such as the Iraq Middle Market Development Foundation, funded by \$330,000) that have provided loans to credit-worthy businesses and Iraqi private-sector institutions, and providing Iraqi limited liability corporations funding to support small-and-medium-enterprise and microfinance portfolios in Iraq.
U.S. Institute of Peace (USIP)	USIP undertook peacekeeping efforts in Iraq with \$10 million provided by the IRRF 2. DRL provided funding for USIP's work to support formation of the Iraqi Constitution and address women's issues.

TABLE B.3

U.S. Appropriated Funds

\$ Millions

	P.L. 108-7, P.L. 108-11	P.L. 108-106, P.L. 108-287	P.L. 109-13	P.L. 109-102, P.L. 109-148, P.L. 109-234	P.L. 109-289, P.L. 110-5, P.L. 110-28	P.L. 110-92, P.L. 110-116, P.L. 110-137, P.L. 110-149, P.L. 110-161, P.L. 110-252	P.L. 110-252, P.L. 111-32	P.L. 111-117, P.L. 111-118, P.L. 111-212	P.L. 112-10	P.L. 112-74				
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	Total Appropriated	Obligated	Expended	Expired
Major Funds														
Iraq Relief and Reconstruction Fund (IRRF 1 and IRRF 2)	2,475	18,389									20,864	20,343	20,076	504
Iraq Security Forces Fund (ISFF)			5,490	3,007	5,542	3,000	1,000	1,000	1,155		20,194	19,569	18,762	625
Economic Support Fund (ESF)				1,469	1,554	562	542	383	326	299	5,134	4,578	4,199	260
Commander's Emergency Response Program (CERP)		140	718	708	750	767	747	245	44		4,119	3,728	3,728	391
International Narcotics Control and Law Enforcement (INCLE)				91	170	85	20	702	115	130	1,313	1,155	989	
Subtotal	2,475	18,529	6,208	5,276	8,016	4,414	2,309	2,330	1,639	429	51,624	49,373	47,754	1,781
Other Assistance Programs														
Migration and Refugee Assistance (MRA) and Emergency Refugee & Migration Assistance (ERMA)	40				78	278	260	316	280	249	1,501	1,494	1,339	
Foreign Military Financing (FMF)										850	850			
Natural Resources Risk Remediation Fund (NRRRF)	801										801	801	801	
Iraq Freedom Fund (Other Reconstruction Activities)	700										700	680	654	
P.L. 480 Food Aid (Title II and Non-Title II)	368		3			24					395	395	395	
International Disaster Assistance (IDA) and International Disaster and Famine Assistance (IDFA)	24		7		45	85	51	42	17		272	261	261	
Democracy Fund (DF) and Human Rights & Democracy Fund (HRDF)					190	75	1				266	266	262	
U.S. Contributions to International Organizations (CIO)						38	30	33	33	44	179			
Iraq Freedom Fund (TFBSO)					50	50	74				174	86	65	
Nonproliferation, Anti-terrorism, Demining, and Related Programs (NADR)					19	16	36	30	30	32	163	62	62	

Continued on the next page

LEARNING FROM IRAQ: A FINAL REPORT FROM THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION

	P.L. 108-7, P.L. 108-11	P.L. 108-106, P.L. 108-287	P.L. 109-13	P.L. 109-102, P.L. 109-148, P.L. 109-234	P.L. 109-289, P.L. 110-5, P.L. 110-28	P.L. 110-92, P.L. 110-116, P.L. 110-137, P.L. 110-149, P.L. 110-161, P.L. 110-252	P.L. 110-252, P.L. 111-32	P.L. 111-117, P.L. 111-118, P.L. 111-212	P.L. 112-10	P.L. 112-74				
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	Total Appropriated	Obligated	Expended	Expired
Department of Justice (DoJ)	37		6	11	23	26	8	9	10	4	133	121	119	
Child Survival and Health Programs Fund (CSH)	90										90	90	90	
Education and Cultural Exchange Programs				7	5	7	7	7	8	5	46			
Overseas Humanitarian, Disaster and Civic Aid (OHDACA)	9	15	3								27	27	10	
International Affairs Technical Assistance				13	3						16	16	14	
International Military Education and Training (IMET)					1	2	2	2	2	2	11	9	6	
U.S. Marshals Service			1	3	2	2	1				9	9	9	
Alhurra-Iraq Broadcasting		5									5	5	5	
Subtotal	2,069	21	20	34	416	602	468	440	380	1,187	5,638	4,323	4,093	
Reconstruction-Related Operating Expenses														
Coalition Provisional Authority (CPA)		908									908	832	799	
Project and Contracting Office (PCO)				200	630						830			
Office of Security Cooperation-Iraq (OSC-I)										524	524			
USAID Operating Expenses (USAID OE)	21	38	24	79	37	41	48	52	51	54	446	320	286	
DoD OSC-I Support									129		129			
Iraq Freedom Fund (PRT Administrative Costs)					100						100			
Subtotal	21	946	24	279	767	41	48	52	180	578	2,937	1,152	1,085	
Reconstruction Oversight														
Special Inspector General for Iraq Reconstruction (SIGIR)		75		24	35	3	44	23	22	20	245	229	222	
Defense Contract Audit Agency (DCAA)				16	14	14	13	24	30		111	111	111	
DoS Office of the Inspector General (DoS OIG)				1	3	4	6	7	5	9	35			
USAID Office of the Inspector General (USAID OIG)	4	2	3		3	7	4	7			29			
DoD Office of the Inspector General (DoD OIG)				5		21					26			
Subtotal	4	77	3	46	55	48	67	61	57	29	445	340	333	
Total	4,569	19,573	6,255	5,634	9,255	5,104	2,892	2,883	2,256	2,223	60,644	55,187	53,265	1,781

TABLE B.4

ISFF: Requests, Justifications, Appropriations, and Earmarks, FY 2005–FY 2011

\$ Billions

Request	Administration's Budget Justification	Appropriation	Congressional Earmarks and Restrictions
FY 2005 Supplemental \$5.70	Provide assistance to the ISF to enable independent counterinsurgency operations and a secure environment; build institutional logistics and training capacity; help field and increase capabilities of security and support forces; improve equipment, sustainment, and command and control; and provide Quick Response Funding	P.L. 109-13 \$5.49 Expired 9/30/2006	Provides \$5.70, of which \$0.21 is transferred to the Army O&M account to reimburse for costs incurred to train and equip the ISF; provides broad transfer authority to other accounts or agencies to fulfill purpose and provide for contributions to ISFF from other governments and international organizations (both requiring notification and continuing into future FYs)
FY 2006 Supplemental \$3.70	Continue current train-and-equip program, build operational units' capabilities and readiness, and develop institutional logistics and administrative functions	P.L. 109-234 \$3.01 Expired 9/30/2007	Conference agreement notes that it would not have been possible for the full request to be fully obligated and expended in the remaining months of FY 2006 and that "the reduction is taken without prejudice"; conference report urges DoD and Administration to seek support for the ISF from regional countries
FY 2007 Regular \$1.70	Joint regular and supplemental appropriations request to build and sustain ISF institutional capability and generate a professional and capable ISF; reorient ISF to quell sectarian violence; provide MOD logistics capabilities, combat support units, mobility/force protection, and equipment; provide MOI with embedded U.S. advisors	P.L. 109-289 \$1.70 Expired 9/30/2008	Conference report directs DoD to provide comprehensive financial plans for the ISF
FY 2007 Supplemental \$3.80		P.L. 110-28 \$3.84 Expired 9/30/2008	Includes funding to disarm, demobilize, and reintegrate militias; requires OMB to submit cost-to-complete reports on a project-by-project basis and an estimated total cost to train and equip the ISF
FY 2008 Regular \$2.00	Continue ministerial development and advisory functions to enhance Iraqi air and naval capabilities; develop IED defeat capabilities; standardize weapons and vehicle fleets; support logistics development, primarily at Taji	P.L. 110-161 \$1.50 Expired 9/30/2009	Includes standard appropriation language for ISFF
FY 2008 Supplemental \$1.00	Includes additional FY 2008 appropriation to support adding 100,000 ISF personnel "required for Iraq to concurrently secure its borders and conduct COIN operations," as well as to hold areas recently cleared as U.S. forces increasingly assume an overwatch mission	P.L. 110-252 \$1.50 Expired 9/30/2009	Prohibits ISFF to be "utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces"
FY 2009 Bridge \$2.00	Enable the GOI to improve its ability to manage Iraqi security institutions and increase the operational independence of the ISF; support ministerial development, logistics and sustainment capacity, equipment replenishment, and equipment for enabler units	P.L. 110-252 \$0.00 Expired 9/30/2009	Appropriates \$1.00, which is later rescinded by P.L. 111-32; FY 2009 bridge funding is under a separate heading of the same name as the FY 2008 supplemental funding; (the FY 2009 NDAA prohibits ISFF spending on new infrastructure)
FY 2009 Supplemental \$0.00	Request to extend the period of obligation for FY 2009 bridge funding through 9/30/2010 (no new funding)	P.L. 111-32 \$1.00 Expired 9/30/2010	Rescinds \$1.00 in FY 2009 bridge funding and appropriates the same amount to remain available until 9/30/2010; does not include authority to transfer ISFF to other accounts or agencies; provided in FY 2005–FY 2008; sets limits on "investment unit cost" of purchased items
FY 2010 Supplemental \$1.00	Strengthen the ISF "to fulfill their vital role" and ensure "no degradation in progress;" focus on MOD sustainment, including transfer of U.S. equipment, modernization of mechanized division, improved asset management, and aircraft sustainment; support MOI training and advisory activities	P.L. 111-212 \$1.00 Expired 9/30/2011	Includes standard appropriation language for ISFF (without authority to transfer funds to other accounts or agencies); conference report directs DoD to submit monthly commitment, obligation, and expenditure data to the congressional committees no later than 30 days after each month
FY 2011 Regular \$2.00	Achieve "minimum essential capability" prior to U.S. withdrawal; focus on remaining MOD equipment requirements, including divisional-level ISR and signal capabilities and full organizational communications and armored transport; continued training of defense forces and equipping and sustaining the police	P.L. 112-10 \$1.16 Expired 9/30/2012	If funds are used for the purchase of any item or service for Iraqi Security Forces, the funds may not cover more than 80% of the cost of the item or service; obligations cannot exceed \$1.00 until the GOI adequately builds the logistics and maintenance capacity of the ISF, develops the institutional capacity to manage such forces independently, and develops a culture of sustainment for equipment provided by the United States or acquired with United States assistance.

TABLE B.5
ESF: Requests, Justifications, Appropriations, and Earmarks, FY 2006–FY 2012

\$ Millions

Request	Administration's Budget Justification	Appropriation	Congressional Earmarks and Restrictions
FY 2006 Regular \$360	Develop economic governance programs and new training; enhance employment centers; continue work in legal, fiscal, institutional, and regulatory frameworks for private sector; continue agriculture and water resources programs.	P.L. 109-102 \$60 Expired 9/30/2007	Not less than \$56 shall be made available for democracy, governance and rule-of-law programs in Iraq; Conference Report provided \$28 for IRI and \$28 for NDI; \$5 to be transferred to the IRRF to support the Marla Ruzicka Iraqi War Victims Fund.
FY 2006 Supplemental \$1,489	\$675 for PRTs to improve local government capacity, enhance security, and promote development; \$287 to secure infrastructure; \$355 to sustain U.S.-funded projects; \$125 to increase MOF and CBI capacity, transparency, and accountability; \$37 for RCLQ; \$10 for democracy promotion.	P.L. 109-234 \$1,409 Expired 9/30/2007	\$50 for CAP (of which \$5 to be transferred to the Marla Fund); \$50 to promote democracy, rule of law, and reconciliation (including \$10 for IRI, \$10 for NDI, and \$10 for the International Foundation for Electoral Systems). \$1,485 was appropriated; P.L. 110-161 later rescinded \$76.
FY 2007 Supplemental \$2,072	Reform key sectors of the economy, including agriculture; increase commercial lending and microfinance; provide business development services; help ministries execute budgets; support GOI in improving economic governance; engage political parties, civil society organizations, and national political institutions; support independent media, national reconciliation, and women's and human rights.	P.L. 110-28 \$1,554 Expired 9/30/2008	Funds conditional on certification that Iraq was meeting benchmarks, including legislation related to de-Ba'athification, hydrocarbons, and semi-autonomous regions, as well as a constitutional review, reduced sectarian violence, improved ISF, and implementation of the Baghdad Security Plan; Conference Report allocations include: PRTs (\$620), CSP (\$354), CAP (\$95, of which \$5 was for the Marla Fund), LGP (\$90), and the COM fund (\$57).
FY 2008 Regular \$298	Stabilize strategic Iraqi cities through rehabilitation of community infrastructure, job training and vocational education, youth programs, and microloans; improve local and provincial governance through PRT projects directed, while continuing governance reforms at the national level.	P.L. 110-92, P.L. 110-137, P.L. 110-149 \$123 Expired 12/31/2007	Series of Continuing Appropriations extends FY 2007 budget authority through 11/16/2007 (P.L. 110-92), 12/14/2007 (P.L. 110-137), and ultimately 12/31/2007 (P.L. 110-149).
FY 2008 Supplemental \$797	Support PRTs; secure infrastructure; generate employment and finance business; improve Iraqi ability to sustain projects and execute budgets; fund democracy and governance programs ahead of elections and Kirkuk referendum; reform GOI economic policies; establish business capital fund.	P.L. 110-252 \$424 Expired 9/30/2009	Provides \$10 through the Middle East Partnership Initiative to rescue scholars in Iraq and \$5 to the Marla Fund.
FY 2009 Regular \$300	Train local leaders in good governance, project implementation, and conflict resolution; build ministry capacity in financial management, budgeting, and procurement; support political parties and CoR functions; foster civil society and independent media; promote macroeconomic reforms, agriculture, and microfinance.	P.L. 110-252 \$103 Expired 9/30/2009	Makes funds for most programs conditional on GOI dollar-for-dollar matching; prohibits funds for prison construction; makes PRT funding conditional on submission of a DoS report detailing plans to wind down and close out PRTs, anticipated costs for PRT programming and security, and anticipated placement and costs for future consulates. FY 2009 regular appropriations—referred to as bridge funding—become available on 10/1/2008.
FY 2009 Supplemental \$449	Support elections, civil society, independent media, and political institutions (\$112); fund LGP (\$55) and CAP (\$35) to strengthen local governments; support ministerial capacity development (\$60), Marla Fund (\$3.5), and Iraqi widows (\$5); promote policy, legal, and regulatory reforms (\$50); fund PEG (\$27.5) to support business development; support agriculture (\$43).	P.L. 111-32 \$439 Expired 9/30/2010	Funds conditional on GOI matching; Conference Report allocations included allocations to CAP (\$50), Democracy and Civil Society (\$118), Iraq Cultural Antiquities (\$2), Marla Fund (\$10), the COM's discretionary fund (\$15), and Widows' Assistance (\$5); conferees directed greater clarification of democracy and governance programs and expressed concern for women and minorities.
FY 2010 Regular \$416	Support ministerial capacity (<i>Tatweer</i>) and local government capacity (PRTs and CAP); foster civil society and independent media; reintegrate Iraqi refugees and IDPs; provide anticorruption and election support; promote sustainable, diversified economic growth; pursue economic, legal, and regulatory reforms; build the capacity of economic institutions.	P.L. 111-117 \$383 Expired 9/30/2011	Conference Report allocations included: Democracy and Civil Society (\$126), CSP (\$50), MCD (\$50), Iraqi Minorities (\$10), and Marla Fund (\$5); conferees expressed belief that the GOI should fund future ministerial capacity development and directed DoS and USAID to consult with the Congress on the process for assessing the benefits versus security costs of work in Iraq.
FY 2011 Regular \$383	Promote conflict mitigation (QRF); assist in legislative drafting, budget analysis and execution, and constituent relations; support community groups in promoting stability, providing assistance, and generating employment; provide technical assistance to the health care, education, and social services sectors; support agriculture, microcredit, and public financial management; promote sound macroeconomic and monetary policies.	P.L. 112-10 \$326 Expired 9/30/2012	The full-year continuing appropriation for Foreign Operations was made late in the fiscal year and was not accompanied by a committee report; according to DoS, the FY 2011 allocation was the same as its FY 2012 request: \$326; DoS submitted a spend plan to the Congress on 7/5/2011.
FY 2012 Regular \$326	Institutionalize electoral systems that meet international standards; improve professionalism, outreach, and responsiveness of political parties, CoR, and provincial councils; clarify role of federal government; increase capacity and effectiveness of civil society, media, and anticorruption institutions; pursue community conflict prevention and reconciliation; improve rule of law and promote human rights; provide technical assistance to health and education sectors; support the Marla Fund; promote economic growth and job creation.	P.L. 112-74 \$299 Expires 9/30/2013	Funds conditional on GOI matching; as Iraqi oil revenue increases, the Conference Report assumes development and security costs currently funded by the Department of State and USAID will shift toward Iraqi responsibility; recommends, at the determination of the Chief of Mission, \$10 for stabilization programs in Iraq; funds shall not be used for cultural programs or for costs usually associated with Department of State operations.

TABLE B.6

INCLE: Requests, Justifications, Appropriations, and Earmarks, FY 2006–FY 2012

\$ Millions

Request	Administration's Budget Justification	Appropriation	Congressional Earmarks and Restrictions
FY 2006 Regular \$26.47	Provide bilateral technical assistance to the MOI and MOJ; assign up to five senior advisors to advise on police, border enforcement, prosecutors, courts, and prisons; provide advanced and specialized training programs; maintain logistics and transportation support	P.L. 109-102 \$0.00	Conference report provides \$99.7 for "other programs," with the expectation that DoS will give programs in Iraq the highest priority with either FY 2006 INCLE funds or prior year unobligated funds; INL reported no appropriations received.
FY 2006 Supplemental \$107.70	\$100 for construction and renovation of correctional facilities; \$7.7 for the protection of Iraqi judges	P.L. 109-234 \$91.40 Expired 9/30/2008	
FY 2007 Regular \$254.60	Strengthen human rights enforcement; promote integration of police, courts and prisons; develop anticorruption laws; develop legal assistance centers; provide courthouse security enhancements and protection for Iraqi judges; fund corrections advisors and INL administration and oversight costs	P.L. 110-5 \$20.05 Expired 9/30/2009	
FY 2007 Supplemental \$200.00	Promote judicial security by protecting judges, witnesses, court staff, and facilities; train and mentor judges, prosecutors, and judicial investigators; integrate various components of the judicial system; support anticorruption efforts; construct additional jail/prison beds	P.L. 110-28 \$150.00 Expired 9/30/2008	Funds cannot be used for prison construction.
FY 2008 Regular \$75.80	Support programs in development of the criminal justice system, public integrity, justice and rule of law; provide administrative oversight	P.L. 110-161 \$0.00	House Appropriations Committee recommends no funding for Iraq; no funding ultimately provided.
FY 2008 Supplemental \$159.00	Expand judicial and court security, judicial capacity, justice integration, and anticorruption assistance to the provinces; continue to expand detention facilities	P.L. 110-252 \$85.00 Expired 9/30/2009	Funds cannot be used for prison construction.
FY 2009 Regular \$75.00	Provide training, advice, and support to the courts/judiciary and Iraqi Corrections Service; maintain administrative oversight	P.L. 111-8 \$0.00	Senate Appropriations Committee recommends \$25; no funding ultimately provided.
FY 2009 Supplemental \$20.00	\$9 for judicial training, security, and court administration; \$5 for subject matter experts to work on police transition planning; \$3 for rule of law advisors; \$3 for program support and oversight	P.L. 111-32 \$20.00 Expired 9/30/2010	Funds are subject to a form of GOI "matching."
FY 2010 Regular \$52.00	Provide training, advising, and support to the courts/judiciary and corrections; address problems of corruption and illegal drugs; engage Iraqi law enforcement development and reform efforts; provide administrative oversight	P.L. 111-117 \$52.00 Expired 9/30/2011	Funds may not be used for new construction.
FY 2010 Supplemental \$517.40	Fund start-up costs for the police program, including base camp and aviation facility upgrades, security infrastructure, and aircraft procurement	P.L. 111-212 \$650.00 Expired 9/30/2012	\$450 for one-time start up costs and limited operational costs of the Iraqi police program; \$200 for implementation, management, security, communications, and other expenses related to the Iraqi police program.
FY 2011 Regular \$314.56	Hire police advisors and managers, contract personnel, and staff to develop and implement the police program; provide advanced training, capacity building, and standardized procedures for the judiciary; continue the deployment of rule-of-law advisors	P.L. 112-10 \$114.56 Expired 9/30/2012	
FY 2012 Regular \$1,000.00	Support the Police Development Program, including approximately 190 advisors and an instructor development program, training at regional and national Iraqi academies, capacity-building work in the justice sector by addressing judicial and courthouse security, administrative processes, and investigative practices; funds will also pay for Embassy-provided security and life support, aviation, and other transportation operations and maintenance, and personnel recruitment and training.	P.L. 112-74 \$129.60 Expires 9/30/2013	